

AN ACT

ENTITLED, An Act to provide for a salvage title.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 32-3-26.1 be repealed.

Section 2. For purposes of this Act, the term, salvage vehicle, means any vehicle that an insurer or self insurer determines a total loss due to damage caused by fire, vandalism, collision, weather, submersion in water, or flood. This section does not apply to any motor vehicle more than six model years old or with a gross vehicle weight rating of more than sixteen thousand pounds.

Section 3. That chapter 32-3 be amended by adding thereto a NEW SECTION to read as follows:

If an insurer, in settlement of a total loss insurance claim, or self insurer acquires the ownership of any salvage vehicle as defined in section 2 of this Act that does not have a salvage vehicle title, the insurer shall within thirty days following acquisition of the certificate of title of that vehicle, surrender the certificate of title for such vehicle to the department. The department shall promptly issue a title indicating it is a salvage vehicle to the insurer or self insurer. Once a vehicle has been branded a salvage vehicle, nothing in this section prohibits a person from obtaining a rebuilt title pursuant to § 32-3-53.

Section 4. That chapter 32-3 be amended by adding thereto a NEW SECTION to read as follows:

If an insurer or self insurer declares a vehicle to be a total loss but does not acquire ownership of the vehicle, the owner shall obtain a salvage title for the vehicle. The insurer or self insurer shall, in writing, notify the owner of the obligation to obtain a salvage title before the owner sells or transfers the title. If the owner sells or transfers the ownership of the vehicle without first obtaining a salvage title, the owner is guilty of a Class 1 misdemeanor. This section does not apply to any motor vehicle more than six model years old or with a gross vehicle weight rating of more than sixteen thousand pounds.

Section 5. That § 32-3-51.9 be amended to read as follows:

32-3-51.9. For the purposes of the damage disclosure statement provided by § 32-3-51.8, the term, damage, is damage to the motor vehicle caused by fire, vandalism, collision, weather, submersion in water, or flood, and does not include normal wear and tear, glass damage, mechanical repairs, or electrical repairs that have not been caused by fire, vandalism, collision, weather, submersion in water, or flood.

Section 6. That § 32-3-51.5 be amended to read as follows:

32-3-51.5. Any motor vehicle, trailer, or semitrailer whose title has been marked by another state or jurisdiction, shall receive a title, which shall contain the damage disclosure information as set forth in §§ 32-3-51.7 and 32-3-51.8. However, if the title has been branded as salvage or with any other similar brand by another state or jurisdiction the applicant shall receive a salvage title or, at the option of the owner, a junking certificate.

An Act to provide for a salvage title.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1202

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1202

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State